

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

THOMAS J. HOLZHAUSER, II, et al.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:12-cv-00185-HSO-RHW

MARGARET ALFONSO, et al.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DENYING PLAINTIFF'S MOTION FOR
LEAVE TO PROCEED *IN FORMA PAUPERIS***

This cause comes before the Court on the Report and Recommendation [4] of United States Magistrate Judge Robert H. Walker, entered June 26, 2012, recommending denial of Plaintiff's Motion to Proceed *In Forma Pauperis* [3]. Plaintiff did not timely file objections to the Magistrate Judge's Report and Recommendation, and instead paid the filing fee of \$350.00. Where a party fails to file specific objections to a magistrate judge's report and recommendation, the district court reviews the report and recommendation for findings and conclusions that are clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1); *see United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Based on the record before this Court, the undersigned finds that the Magistrate Judge did not err in recommending that Plaintiff be denied leave to proceed *in forma pauperis*. After referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation [4], the relevant law, and the record in this matter, and being fully advised in the premises, finds that the Report and Recommendation [3] of Magistrate Judge Robert H. Walker, should be adopted as the finding of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [4] of Magistrate Judge Robert H. Walker, entered June 26, 2012, is adopted in its entirety as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff's Motion to Proceed *In Forma Pauperis* [3] is **DENIED AS MOOT**.

SO ORDERED AND ADJUDGED, this the 19th day of July, 2012.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE